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Request for the inclusion of a supplementary item in the agenda of the fifty-third session

Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

Letter dated 27 July 1998 from the representatives of Armenia, Bolivia, Burundi, Cyprus, Rwanda and Uruguay to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, that a supplementary sub-item entitled "Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide" be included in the agenda of the fifty-third session of the General Assembly under item 46, "Fiftieth anniversary of the Universal Declaration of Human Rights".

In conformity with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum and a draft resolution are attached as annexes to the present letter.

We have the honour to further request that the present letter and its annexes be circulated as a document of the General Assembly.

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to the United Nations

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Annex I

Explanatory memorandum

1998 marks the fiftieth anniversary of the Universal Declaration of Human Rights. This landmark event provides an ideal opportunity for reinvigorating commitments to the promotion and protection of human rights, reflecting on the current status of the human rights instruments and outlining a clear course for their effective implementation in the future.

As a part of this process and in order to intensify the international cooperation in the field of human rights it is essential to recall another anniversary, the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter referred to as "the Convention").

Adopted unanimously by the General Assembly on 9 December 1948, the Convention preceded the Universal Declaration of Human Rights itself. It entered into force on 12 January 1951 and has 125 parties and 42 signatories.

Seeking to codify a fundamental principle of civilization, the Convention declares that genocide is the committing of certain acts with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. In defining the act of genocide, it goes beyond the actual killing and states that acts causing serious bodily or mental harm; deliberate infliction of conditions of life calculated to bring about physical destruction; imposing measures to prevent births; and forcibly transferring children of one group to another group constitute acts of genocide.

Furthermore, the Convention declares genocide, "whether committed in time of peace or in time of war", to be a crime under international law which the contracting Parties "undertake to prevent and to punish".

The preamble of the Convention notes that "at all periods of history genocide has inflicted great losses on humanity", and that "in order to liberate mankind from such an odious scourge, international cooperation is required".

Both the Universal Declaration of Human Rights and the Convention were born out of the international community's commitment to create mechanisms that would protect mankind from the repetition of the atrocities that marred its past.

Despite all the advances in our civilization, the twentieth century is, unfortunately, replete with instances of genocide, the latest of which the world witnessed in Bosnia and Herzegovina and Rwanda. In some parts of the world concentration camps, mass extermination and ethnic cleansing – horrors which never should have occurred again after the Second World War – continue to recur. For this reason, there is a need to take a fresh look at the Convention to try to determine why on the eve of the third millennium the world is still witness to genocide and to discuss the ways and means of prevention and punishment.

For the last 50 years, the Universal Declaration of Human Rights and the Convention together formed the foundation of the international human rights regime that sets out the rights of any individual, and which helps protect against intolerance, torture and discrimination.

For those same 50 years, however, the need has remained for effective means to ensure the implementation and efficiency of the Convention.

Towards this end, on 3 April 1998, during its fifty-fourth session, the Commission on Human Rights adopted, without a vote, resolution 1998/10, entitled "Fiftieth anniversary

of the Convention on the Prevention and Punishment of the Crime of Genocide". The resolution reaffirms the significance of the Convention as an effective international instrument for the punishment of the crime of genocide and calls upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention. The resolution was sponsored by 42 member States.

Considering the importance of the issue and its broad and all-encompassing nature, it is proposed that the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide be included as a sub-item of item 46, "Fiftieth anniversary of the Universal Declaration of Human Rights", of the provisional agenda of the fifty-third session of the General Assembly.

Annex II

Draft resolution

Fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling Commission on Human Rights resolution 1998/10 of 3 April 1998 on the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling also that the General Assembly, in adopting the Universal Declaration of Human Rights[1] on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Recalling further the report of the United Nations High Commissioner for Human Rights,[2] in particular chapter VII thereof, entitled "1998: Human Rights Year", in which proposals to celebrate the fiftieth anniversary were made, and welcoming the efforts of the High Commissioner to facilitate cooperation between various commemorative initiatives,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide,[3] as well as other relevant international instruments of human rights,

Recalling that the General Assembly, in adopting the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948, recognized genocide as an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide,

Concerned that, despite the efforts of the international community, many thousands of innocent human beings continue to be victims of genocide,

Recalling the adoption by the General Assembly of resolution 96 (I) of 11 December 1946, in which it declared genocide to be a crime under international law, contrary to the spirit and aims of the United Nations,

Taking into consideration the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,[4]

Considering that the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide provides a new opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts for the prevention and punishment of the crime of genocide,

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[1] Resolution 217 A (III).

[2] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 36* (A/52/36).

[3] Resolution 260 A (III).

[4] Resolution 2391 (XXIII), annex.

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the punishment of the crime of genocide;

2. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide;

3. *Invites* States that have not yet ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide to consider doing so;

4. *Calls upon* all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention;

5. *Invites* Governments and the international community to continue to review and assess the progress made in the implementation of the Convention since its adoption, and to identify obstacles and the way in which they can be overcome, both through measures on the national level and through enhanced international cooperation;

6. *Invites* Governments, the United Nations Secretariat, relevant organs and agencies of the United Nations system within their respective mandates, other international organizations and non-governmental organizations to widely disseminate the Convention on the Prevention and Punishment of the Crime of Genocide, together with other international instruments in the field of human rights, with a view of ensuring its universality and full and comprehensive implementation.